

TIMK 8507U1

Amendment Dated June 24, 2005
Reply to Office Action of June 1, 2005

REMARKS

Claims 1-12 are pending. Claims 1-12 are rejected. Claims 1-5, and 9-11 are cancelled. Claims 6-7 are amended. New claims 13-21 are added.

Rejection of Claim 2 Under 35 U.S.C. §112.

Claim 2 is rejected under 35 U.S.C. §112 as being anticipated indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is cancelled.

Rejection of Claims 1-12 Under 35 U.S.C. §102.

Claims 1-12 are rejected under 35 U.S.C. §102(b) as being anticipated by Publication No. JP 2001-289315 by Ogawa (hereafter referred to as "Ogawa").
Applicant traverses the rejection.

The Examiner argues that Ogawa discloses all the elements of claims 1-12. Claims 1-5 are cancelled and do not need to be addressed. However, regarding independent claims 6 and 12, Ogawa fails to disclose "an outer ring having a third raceway eccentric to the first raceway so that the second raceway of the planetary roller engages frictional contacts with the first raceway of the sun roller and the third raceway of the outer ring...". Claim 6 and 12 specifically claim frictional contacts to transfer torque between the sun roller, planetary roller, and outer ring in an eccentric

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arrangement. In direct contrast, Ogawa discloses a meshing of a planetary gear mechanism (35) with a sun gear (37) that is concentric with the outer ring (40). Figure 2 of Ogawa clearly shows the sun gear (37) as being concentric with the outer ring (40).

Also, Ogawa fails to disclose "a housing for hosting both the gerotor pump and the speed reducer." The Examiner argues that Ogawa discloses, "a housing (32)...such that the speed reducer (35) and the gerotor pump (33, 34) share the housing." However, Figure 2 of Ogawa clearly illustrates the housing (32) hosting only the gerotor pump (33,34). The speed reducer (35), as designated by the Examiner, is not hosted within the housing (32). In addition, none of the elements of the speed reducer (35) are hosted within the housing (32), including the sun roller (37), the planetary roller (39), and outer ring (40).

Also, Ogawa shows an automatic transmission that requires two independent drives, often referred to as a split drive, both connected to the oil pump 30 through the planetary gear mechanism 35. It shows a primary drive as engine 44 and a secondary drive as electric motor 47. In direct contrast, the invention in claim 6 operates with only a single drive, electric motor 50 connected to a speed reducer 100. Specifically, claim 6 states, "a motor providing torque at an elevated speed".

The MPEP states,

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

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MPEP § 2131.

Since Ogawa fails to describe "an outer ring having a third raceway eccentric to the first raceway so that the second raceway of the planetary roller engages frictional contacts with the first raceway of the sun roller and the third raceway of the outer ring..." or "a housing for hosting both the gerotor pump and the speed reducer." , applicant respectfully submits that Ogawa does not anticipate claims 6 and 12.

Claims 7-8 depend from respective base claims 6, and therefore, incorporate all of the subject matter of respective base claim 6. Because a defendant claim cannot be anticipated if the independent claim from which it depends is not anticipated, all other defendant claims of the present application must also be found unanticipated. Since applicant submits for the aforementioned reasons that claim 6 is patentable over Ogawa, applicant likewise submits that claims 7-8 are patentable over Ogawa for the same reasons. Therefore, Applicant requests that Examiner withdraw the rejection of claims 6-8 and 12 under 35 U.S.C. §102 (b).

New Claims 13-21.

Claims 13-21 have been added. They are all dependent on one of independent claims 6 or 12. None of the references of record, either independently or in combination, teach or suggest the claimed subject matter of claims 13-21. Therefore, applicant submits that Claims 13-21 constitute allowable subject matter and should be

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favorably considered by the Examiner, and applicant respectfully requests that a timely Notice of Allowance be issued for those Claims.

Conclusion.

Applicant believes the above analysis and the amendments made herein overcome all of the Examiner's rejections and that claims 6-8, and 12-21 are in condition for allowance. Therefore, applicant respectfully submits that claims 6-8, and 12-21 constitute allowable subject matter and should be favorably considered by the Examiner, and issue a timely Notice of Allowance for those claims.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17, which may be required by this paper to Deposit Account 162201.

Respectfully submitted,

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